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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,090	03/08/2001	Antonio A. Avides Moreira	P 0278094 9780US	6854

909 7590 10/04/2002

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EXAMINER

PURVIS, SUE A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 10/04/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,090

Applicant(s)

AVIDES MOREIRA ET AL.

Examiner

Sue A. Purvis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7. 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2, 5, 7-9, 11, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of claim sets up a process for fashioning a permanent connection between at least “two components of an object” with one component being a sealing or connecting component, the steps detail the stretching and relaxing of the component, and then the one component is placed at the location of the desired connection “in” the object. This suggests that the component is not already part of the object as defined in the preamble of claim 1.

Clarification is required.

Based on the examiner’s reading of the specification and for examination purposes, it appears that a sealing component is placed into an object for sealing purposes and once that component is used it becomes part of the object. Removing --of an object-- from the preamble and changing step c. to recite “desired connection of an object” would clear up any confusion. If the examiner’s understanding is mistaken please clarify and point out the support in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 3, 6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Stewing (DE 35 23 771 A1).

Stewing discloses heat shrink sleeves of thermoplastics which individually injection molded, then stretched. As can be seen in Figure 6, the sleeve is then relaxed as it is ejected from the mold and at the current or ambient temperature since the sleeve is no longer being heated.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewing in view of Danico (US Patent No. 4,560,083).

Stewing discloses heat shrink sleeves of thermoplastics which individually injection molded, then stretched. As can be seen in Figure 6, the sleeve is then relaxed as it is ejected from the mold and at the current or ambient temperature since the sleeve is no longer being

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heated. The English abstract in Stewing does not detail how the sleeves are used, only that they are used in connections with cables or wires.

Danico teaches that exposing the elastomeric material to an elevated temperature, allows the material to expand and create an effective seal

It would have been obvious to one having ordinary skill in the art at the time the invention was made to expose the component disclosed in Stewing to an elevated temperature once it is applied to the object in order to create a seal as shown in Danico. Furthermore, it is within the purview of the artisan to choose a temperature 20 degrees Celsius below the melting point, because the desire is to loosen the material for a proper seal, not to melt the material entirely.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewing in view of Danico as applied to claim 1 above, and further in view of Schultze et al. (US Patent No. 6,001,464).

Stewing does not detail the type of thermoplastic used. Danico mentions some examples of elastomers, but does not limit to only those elastomers listed.

Schultze discloses that it is known that thermoplastic copolyetherester elastomers are suitable for seals as they are impermeable to water molecules, such as drops and create materials which are breathable, but waterproof.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a copolyether ester in the process of Stewing to create a component which is water impermeable thus better able to protect the cables or other articles which it is used for sleeving connections.

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8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewing as applied to claim 3 above, and further in view of Schultze et al.

Stewing does not detail the type of thermoplastic used.

Schultze discloses that it is known that thermoplastic linear copolyetherester elastomers are suitable for seals as they are impermeable to water molecules, such as drops and create materials which are breathable, but waterproof.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a copolyether ester in the process of Stewing to create a component which is water impermeable thus better able to protect the cables or other articles which it is used for sleeving connections.

9. Claims 5, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewing as applied to claim 3 above, and further in view of Danico.

The English abstract in Stewing does not detail how the sleeves are used, only that they are used in connections with cables or wires.

Danico teaches that exposing the elastomeric material to an elevated temperature, allows the material to expand and create an effective seal

It would have been obvious to one having ordinary skill in the art at the time the invention was made to expose the component disclosed in Stewing to an elevated temperature once it is applied to the object in order to create a seal as shown in Danico. Furthermore, it is within the purview of the artisan to choose a temperature 20 degrees Celsius below the melting point, because the desire is to loosen the material for a proper seal, not to melt the material entirely.

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10. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewing in view of Schultze as applied to claims 3 and 4 above, and further in view of Danico.

The English abstract in Stewing does not detail how the sleeves are used, only that they are used in connections with cables or wires.

Danico teaches that exposing the elastomeric material to an elevated temperature, allows the material to expand and create an effective seal

It would have been obvious to one having ordinary skill in the art at the time the invention was made to expose the component disclosed in Stewing to an elevated temperature once it is applied to the object in order to create a seal as shown in Danico. Furthermore, it is within the purview of the artisan to choose a temperature 20 degrees Celsius below the melting point, because the desire is to loosen the material for a proper seal, not to melt the material entirely.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is 703-305-0507. The examiner can normally be reached on Monday through Thursday 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rick Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

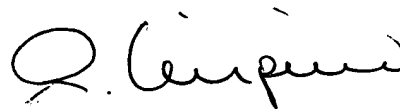
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.



Sue A. Purvis
Examiner
Art Unit 1734

sp
September 30, 2002



RICHARD CRISPINO
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